



OFFICE OF THE CHIEF PROCUREMENT OFFICER
ONE WEST STREET, 1ST FLOOR
MINEOLA, NEW YORK, 11501

MEMORANDUM

To: All Department Heads and DCCOs

From: Robert Cleary,  Chief Procurement Officer

CC: John Chiara, Deputy County Executive for Compliance
Jodi Franzese, Inspector General

Re: Contract Assignment Policy

Date: January 31, 2020

I. INTRODUCTION

In the conduct of administering a contract, there are occasions in which a vendor requests assignment of the contract to another vendor. County solicitations, contracts, and the General Municipal Law require approval of the County prior to any contract assignment, and we must ensure all due diligence on contract assignments. This policy is introduced to ensure that the County approves assignment of County contracts only to responsible vendors as defined in the Countywide Procurement & Compliance Policy.

II. SCOPE

This policy establishes the procedure to process contract assignment requests received during the conduct of contract administration.

III. CONTRACT ASSIGNMENT PROCEDURE

Any contract assignment request must be submitted by the current contract vendor in writing addressed to the Department Head and/or Department Chief Contracting Officer (DCCO) of the department managing the contract and must include the following:

- 1) the name, address, federal Employer Identification Number (EIN), and contact information of the proposed vendor the contract will be assigned to;
- 2) the reason for the requested assignment;

- 3) a demonstration that the proposed vendor is qualified, responsible, and there will be no reduction in service level to the County;
- 4) confirmation that the proposed vendor has registered with the County and completed the required disclosure forms in the County's vendor portal;
- 5) evidence of the proposed vendor's insurance, which must be consistent with the insurance requirements under the current vendor's contract with the County;
- 6) an Assignment, Assumption, and Consent Agreement signed by both the current and proposed vendors; and
- 7) confirmation of the effective date of the assignment.

The County reserves the right to request additional information from or meet with the current or proposed vendor to discuss the requested contract assignment and supporting documents prior to making a determination, including, but not limited to, requesting copies of any applicable licenses, debarment certifications, and the completion of a Request for Tax Payer Identification Number and Certification form.

Based on all information presented, the DCCO shall determine whether to accept the contract assignment request. Any contract assignment accepted by the DCCO also requires approval by the following:

- Department Head
- DPW (if capital)
- County Attorney
- Chief Procurement Officer (CPO)
- Deputy County Executive for Compliance
- Comptroller's Office

The initiating department must at a minimum provide the following information in the contract assignment package:

- A copy of the original contract and any amendments
- Assignment, Assumption, and Consent Agreement
- Record-of-decision memorandum as referenced in Section IV below
- Disclosure forms completed by the proposed vendor
- Insurance certificates from the proposed vendor

Additionally, an individual authorized to sign the original contract, typically a Deputy County Executive responsible for the originating department or the Commissioner of Shared Services, must also approve of the assignment and sign the Assignment, Assumption, and Consent Agreement. The County Attorney will review and approve the Assignment, Assumption, and Consent Agreement as to form and compliance with insurance requirements.

All undisputed invoices from the current vendor should be processed prior to the transfer of contract funds to the new vendor.

Attached is a Contract Assignment Approval Form to be used to obtain all required approvals.

IV. RECORDS OF CONTRACT ASSIGNMENTS

For each contract assignment request received, the DCCO shall generate and retain a record-

of-decision memorandum outlining the circumstances and rationale for allowing or declining the assignment. The DCCO shall maintain a record of all such memoranda on file and submit a copy with the contract assignment package.



Contract Assignment Approval Form

Contract Details

Service:	
Current Contract ID #:	
Current Vendor (Assignor):	
Current Vendor EIN:	
Contract Term From:	To:
Effective Date of Assignment:	
New Contract Vendor (Assignee):	
New Contract ID:	
NIFS Entry Date:	

1) Mandated Program:	Yes / No
2) Insurance Required	Yes / No
3) Material Adverse Information Identified (if yes, attach memo)	Yes / No

New Vendor		County Department
Name	EIN	Department Contact
Address	Contact Person	Address
	Phone	

Approvals

Date Received	Department	Date Approved and Forwarded	Signature
	Department Head		
	DPW (if capital)		
	County Attorney (Insurance)		
	County Attorney (As to form)		
	CPO		
	DCE for Compliance		
	DCE for the Department		
	Comptroller		

Prepared By _____

Date _____